## REMARKS

### SECTION I

### EXAMINER'S REJECTION OF CLAIMS 4, 6, 10-11, 13-16, & 19 UNDER 35 U.S.C. § 102(a)

CLAIMS 4-6

Claim 4 is amended to include two limitations which are not disclosed by Hogen Esch et al. The first limitation is:

> "said communicating means and said receiving means being incapable of functioning simultaneously."

The second limitation is:

> "a means for recognizing when said receiving means is not functioning and enabling said communicating means, said recognizing/enabling means enabling said communicating means only if said receiving means is not functioning."

Support for these limitations is provided in Applicant's specification from page 12, line 11 to page 14, line 20.

Hogen Esch et al. do not disclose any requirement nor do they imply that communications from the transmitter-receiver to the responder be isolated in time from communications from the responder to the transmitter-receiver. Hogen Esch et al. do not disclose a recognizing/enabling means in either their figures or text.

With these amendments, the Applicant believes claim 4 and claims 5 and 6, which depend from claim 4, are in condition for allowance.

CLAIMS 10-14

Claim 10 is amended to include a "data entry device" which provides the means by which a user enters data into the claimed apparatus. Support for this limitation is provided in Applicant's specification from page 22, line 19, through page 23, line 8.

The amendment is intended to more clearly and specifically distinguish Applicant's claim 10 invention from Hogen Esch et al. Hogen Esch et al. disclose a "programming means 35" in the "transmitter-receiver 1" of Fig. 1 for programming the "memory 25" in the "responder" shown in Fig. 2. The disclosure in the specification consists of one sentence:

> "The parts of the memory 25 associated with the second mode are then accessible for being read or possibly programmed, by means of programming means 35 (Fig. 1)." (Hogen Esch et al., column 4, lines 14-17.)

Claim 9 of Hogen Esch et al. states that the "programming means 35" is "for modulating the interrogation field with information" (column 6, lines 32-33). Nothing is said about where the information for modulating the interrogation field comes from. Nothing is said about a user's involvement in the reprogramming

process. Nothing is said about any kind of data entry device for entering data into Hogen Esch et al.'s "programming means 35".

Since the "data entry device" element in Applicant's amended claim 10 is not disclosed by Hogen Esch et al., it is believed that amended claim 10 and claims 11, 12, 13, and 14, which depend from claim 10, are now in condition for allowance.

CLAIMS 15 & 16

Claim 15 is amended to include the same limitations that are included in amended claim 2. It is believed that this amendment places claims 15 and 16 in condition for allowance.

CLAIM 19

Claim 19 is amended to include the same limitations that are included in amended claim 2. It is believed that this amendment places claim 19 in condition for allowance.

SECTION II

EXAMINER'S REJECTION OF CLAIMS 2, 5, 7-9, & 17-18

UNDER 35 U.S.C. § 103

CLAIM 5

It is believed that the proposed amendment of claim 4 places

claim 4 in condition for allowance and since claim 5 depends from claim 4, claim 5 is also in condition for allowance.

CLAIMS 7-9

Claim 7 is amended to exclude any but "intermittently-powered" electronic identification tags in order to clearly point out how Applicant's use of temporary memory differs from Anders et al. Support for this amendment is provided in Applicant's specification from page 9, line 24 through page 10, line 4 and on page 11, lines 23-25.

As was pointed out in our response to the first office action, Anders et al. disclose the use of RAM but only in a hybrid arrangement with ROM ('463, col. 11, lines 50-51, lines 64-67) and they point out that the RAM must be powered at all times ('463, col. 12, lines 1-2).

Applicant's claim 7 invention utilizes temporary memory (such as RAM's and FIFO's) for the storage of sensor data which is read out and stored in temporary memory only when the tag is being powered by an interrogation (Applicant's specification, page 15, lines 24-25 through page 16, lines 1-3). It is not necessary for the sensor data to be saved in temporary memory from one interrogation to the next and in fact the sensor data cannot be saved because of the intermittent powering of the tag.

In view of these differences in the way temporary memory is

used and the statement made in Anders et al. that temporary memory must be continually powered, it is believed that Applicant's amended claim 7 invention would not have been obvious to one of ordinary skill in the art in view of Anders et al. Claim 7 and claims 8 and 9, which depend from claim 7, are believed now to be in condition for allowance.

CLAIMS 17-18

Amended claim 15 is believed to be now in condition for allowance. Since claims 17 and 18 depend from claim 15, these claims are also believed to be now in condition for allowance.

## SECTION III

## EXAMINER'S REJECTION OF CLAIM 12

## UNDER 35 U.S.C. § 103

The rejection of claim 12 under 35 U.S.C. § 103 as being unpatentable over Hogen Esch et al. in view of Anders et al. as applied to claims 5, 7-9, & 17-18 is believed to be in error. Claim 12 is for an apparatus for altering data while claims 5 and 7-9 are for an identification tag and claims 17-18 are for a process practiced by an identification tag.

The rejection of claim 12 under 35 U.S.C. § 103 in view of

Carroll is believed to be inappropriate in that Applicant uses a series-resonant arrangement of capacitors and a coil for generating an alternating magnetic field (Applicant's specification, page 6, lines 12-21) while Carroll generates an alternating magnetic field with only a coil ('427, element 20 in Fig. 2). The rectifier-balanced modulator combination ('427, element 22 in Fig. 2) is used to mix the incoming carrier signal and the encoded data in order to produce sum and difference signals which then drive the coil 20 ('427, col. 6, lines 27-33). Thus, Carroll's coil-driving scheme does not involve capacitors and would not appear to suggest Applicant's series-resonant coil-driving approach.

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For the forgoing reasons, it is submitted that the proposed amendments comply with 37 CFR §1.116 and MPEP 714.12 and should therefore be entered, and with their entry that the application is now in condition for allowance. Such action therefore is respectfully requested.

Respectfully submitted,

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